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6  
7 UNITED STATES BANKRUPTCY COURT  
8 EASTERN DISTRICT OF WASHINGTON

9 In re: ) Case No. 09-03145-FLK11  
10 )  
11 KKE MOON I, INC., dba Tumbleweeds, ) FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
12 Debtor. )  
13 )

14 This matter having come before the above-entitled Court for confirmation, which  
15 confirmation was held by telephone conference on this 25<sup>th</sup> day of January 2010, and the  
16 Court having read the declaration of Eve Moon, Debtor's President, and having reviewed  
17 the Plan and having heard the arguments of counsel, makes the following

18 FINDINGS OF FACT

19 I.

20 The Debtor filed the above-captioned Chapter 11 proceeding on the 3<sup>rd</sup> day of June  
21 2009. Debtor filed its Motion for Order Granting Conditional Approval of Disclosure  
22 Statement and Notice Thereof on the December 1, 2009.  
23  
24

25 FINDING OF FACT AND  
CONCLUSIONS OF LAW - 1

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II.

2  
The above entitled Court conducted a hearing on the Motion for Order Granting  
3  
Conditional Approval of Disclosure Statement on December 17, 2009. The Order Granting  
4  
Motion for Order Granting Conditional Approval of Disclosure Statement and Setting  
5  
Deadlines was entered on December 21, 2009.  
6

7  
III.

8  
The Disclosure Statement and Plan were filed on December 21, 2009, Docket  
9  
numbers 81 and 82. Pursuant to the Order Granting Motion, the Debtor transmitted the  
10 combined Disclosure Statement and Plan of Reorganization, Lists Classifying Claims and  
Interest and Ballot to all parties on the master mailing list on December 21, 2009. There  
11 have been no objections to the Disclosure Statement or Plan.  
12

IV.

13  
The Plan contains no unusual classifications of claims or interest. Similar claims are  
14 classified together and are treated equally within each class. The Plan provides for the  
15 same treatment for each claim or interest within a particular class.  
16

V.

17  
Debtor did not solicit acceptances or rejections of the Plan, except as authorized by  
18 the Order.  
19

VI.

20  
The Plan has been proposed in good faith and not by any means forbidden by law.  
21

VII.

22  
Debtors attorney, Hames, Anderson And Whitlow, and E. Kent Oswalt, CPA for  
23 debtor, will only be compensated subject to court approval after notice and hearing.  
24

25 FINDING OF FACT AND  
CONCLUSIONS OF LAW - 2

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1  
2                      VII.  
3

4                      Debtor will continue operating its business under the Management of Eve Moon and  
5                      Keith Moon, whose identity and compensation has been disclosed. The continuance in  
6                      office of such individuals is consistent with the interests of creditors, equity security holders  
7                      and public policy.

8  
9                      VII.  
10

11                      No objections to confirmation of the Plan were filed.  
12

13                      VIII.  
14

15                      Debtor and the United States of America, Internal Revenue Service, have agreed  
16                      that Article III, Paragraph 3.3 of the Plan will be amended to add:  
17

18                      The debtor will file all post-petition federal tax returns as they become  
19                      due, including making timely deposits of payroll taxes. All tax returns,  
20                      certifications, and copies of federal tax deposit receipts will be provided  
21                      to the local Spokane office.  
22

23                      IX.  
24

25                      All unsecured claims will be paid in full.  
26

27                      X.  
28

29                      The Declaration of Eve Moon and the Liquidation Analysis indicate creditors will  
30                      receive a greater distribution under the Plan than would be received if the assets of the  
31                      Debtor were liquidated by a chapter 7 trustee or by any other means.  
32

33                      XI.  
34

35                      Confirmation of the Plan is not likely to be followed by the need for further financial  
36                      reorganization of Debtor.  
37

38                      FINDING OF FACT AND  
39                      CONCLUSIONS OF LAW - 3

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44

1  
2 XII.  
3

4  
5 The Plan provides for payment of the administrative claims upon the date of  
6 confirmation or upon allowance by the Court.  
7

8  
9 XIII.  
10

11 The Plan provides for payment of all US Trustee's fees, when due, through the  
12 closing of the case.  
13

14 CONCLUSIONS OF LAW  
15

16 I.  
17

18 Debtor's Plan complies with the provisions of Chapter 11 and other applicable  
19 provisions of Title 28 USC.  
20

21 II.  
22

23 The holder of each secured claim has accepted the Plan or will receive full payment  
24 of its secured claim and will retain its lien until such payment has been made.  
25

26 III.  
27

28 .Provisions of the Plan at Article III, Paragraph 3.3, will be amended to add  
29 the following sentence:  
30

31 The debtor will file all post-petition federal tax returns as they become  
32 due, including making timely deposits of payroll taxes. All tax returns,  
33 certifications, and copies of federal tax deposit receipts will be provided  
34 to the local Spokane office.  
35

36 IV.  
37

38 The Pan has been proposed in good faith and not by any means  
39 forbidden by law.  
40

41 FINDING OF FACT AND  
42 CONCLUSIONS OF LAW - 4

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1  
2 V.  
3

4  
5 The Disclosure Statement should be approved and the Plan of  
6 Reorganization confirmed.  
7

8 Presented by:  
9

10 HAMES, ANDERSON & WHITLOW, PS  
11

12 By WLH  
13 William L. Hames, WSBA #12193  
14

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22  
23 FINDING OF FACT AND  
24 CONCLUSIONS OF LAW - 5  
25

Frank L. Kurtz  
Bankruptcy Judge

02/01/2010 14:07:34

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